



U.S. Department of Justice

Immigration and Naturalization Service

MI

OFFICE OF ADMINISTRATIVE APPEALS
425 Eye Street N.W.
ULLB, 3rd Floor
Washington, D.C. 20536

[REDACTED]

FILE: [REDACTED] Office: St. Paul

Date: AUG 14 2000

IN RE: Applicant: [REDACTED]

APPLICATION: Application for Temporary Protected Status under § 244 of the
Immigration and Nationality Act (the Act), 8 U.S.C. 1254a

IN BEHALF OF APPLICANT:

[REDACTED]

Public Copy

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS

[Signature]

Terrance M. O'Reilly, Director
Administrative Appeals Office

Identifying data deleted to
prevent clearly unwarranted
invasion of privacy

DISCUSSION: The application was denied by the District Director, and is now before the Associate Commissioner for Examinations on appeal. The appeal will be rejected and the matter will be remanded for further action.

The district director denied the application for Temporary Protected Status (TPS) under § 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. 1254a, because the applicant failed to establish she is a national of [REDACTED] as the birth certificate she submitted in support of her claim of [REDACTED] citizenship was found to be counterfeit by the Forensic Document Laboratory.

On appeal, counsel states that the applicant is a national of [REDACTED] and has additional documents and supporting affidavits establishing this fact.

The record contains copies of the following documents:

(1) Certificate of Registration of Birth from Volume [REDACTED] Page [REDACTED] Registration No. [REDACTED] by [REDACTED], Principal Registrar of Births, Deaths and Burials in the Republic of [REDACTED] for [REDACTED] born at [REDACTED] County on Thursday the [REDACTED] of [REDACTED] the child of [REDACTED] and [REDACTED] both [REDACTED] signed by [REDACTED] on February 14, [REDACTED] This document has been determined to be counterfeit.

(2) Certificate of Registration of Birth from Volume [REDACTED] Page [REDACTED] Registration No. [REDACTED] by [REDACTED], Principal Registrar of Births, Deaths and Burials in the Republic of [REDACTED] for [REDACTED] born at [REDACTED] County, on Thursday the [REDACTED] of [REDACTED] the child of [REDACTED] and [REDACTED] both [REDACTED] signed by [REDACTED] on January 27, [REDACTED] This document is nearly identical to the one determined to be counterfeit. The record fails to contain evidence that this document has been determined to be authentic.

The present record contains numerous other items including testimony which purports to establish the applicant's nationality as [REDACTED]. The record also contains a note to send the second birth certificate to the Forensic Document Laboratory as soon as it is received. The record fails to contain an evaluation of that second birth certificate by the Forensic Document Laboratory. A determination of the authenticity of that second birth certificate is critical in this matter in order to overcome the determination that the first birth certificate was counterfeit. Upon a favorable determination by the Forensic Document Laboratory, the issue could be resolved at the district level.

Therefore, the appeal will be rejected. The district director's decision will be withdrawn and the matter will be remanded to await a determination of the authenticity of the applicant's second birth certificate. The district director is to enter a new decision based on a finding relating to the second birth certificate and, if the

decision is adverse to the applicant, the record is to be certified to the Associate Commissioner for review.

ORDER: The appeal is rejected. The district director's decision is withdrawn. The matter is remanded for further action consistent with the foregoing discussion and entry of a new decision which, if adverse to the applicant, is to be certified to the Associate Commissioner for review.